

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

PESTICIDES REGULATION DIVISION

NOTICES OF JUDGMENT UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Nos. 422-450

The following notices of judgment relate to cases arising in the United States District Courts and are approved for publication as provided in section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d).

M. R. CLARKSON,
Acting Administrator.

WASHINGTON, D.C., February 12, 1964

422. Lack of registration of "RAT.DOOM." U.S. v. 151 one-pound boxes, more or less, of "RAT.DOOM." Default decree of condemnation, forfeiture, and destruction (I.F. & R. No. 471. I.D. No. 41696.)

The product "RAT.DOOM" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On August 7, 1962, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 151 one-pound boxes, more or less, of "RAT.DOOM," at Hartford, Conn., alleging that the product was an economic poison which had been transported interstate, on or about March 15, 1962, by Lynwood Laboratories, Inc., from Norwood, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On March 1, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

423. Lack of registration and misbranding of "ALGEX-FIVE." U.S. v. 71 one-gallon containers, more or less, of "ALGEX-FIVE." Consent decree of condemnation, ordering destruction of 63 bottles of the product and release of 8 bottles to Charles C. Whitmer and/or The Clayton Chemical Company for testing purposes only. (I.F. & R. No. 474. I.D. No. 40639.)

The product "ALGEX-FIVE" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act and an examination of the product showed that the labels affixed to the containers of the product did not bear an ingredient statement as is required by the act.

On August 7, 1962, the United States Attorney for the Northern District of Ohio, Eastern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 71 one-gallon containers, more or less, of "ALGEX-FIVE," at Cleveland, Ohio, alleging that the product was an economic poison which had been transported interstate, on or about July 3, 1962, by The Clayton Chemical Company, from Evanston, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each active ingredient,

together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

Mr. Charles C. Whitmer, representing the Whitmer Company, claimed ownership of the product and consented to the entry of a consent decree of condemnation. On June 3, 1963, a consent decree of condemnation was entered ordering destruction of 63 bottles of the product and release of 8 bottles to Charles C. Whitmer and/or The Clayton Chemical Company for testing purposes only.

424. Lack of registration of "RED STAR THE SUPER GRO-MASTER." U.S. v. nine 25-pound bags, more or less, and eleven 50-pound bags, more or less, of "RED STAR THE SUPER GRO-MASTER." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 518. I.D. No. 40835.)

The product "RED STAR THE SUPER GRO-MASTER" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On January 24, 1963, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of nine 25-pound bags, more or less, and eleven 50-pound bags, more or less, of "RED STAR THE SUPER GRO-MASTER," at Phoenix, Ariz., alleging that the product was an economic poison which had been transported interstate, on or about May 22, and July 19, 1962, by Downey Fertilizer Company, from Downey, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On March 6, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

425. Lack of registration and misbranding of "HARCO-PLEASANTLY PERFUMED DEODORANT BLOCKS." U.S. v. 22 cases, more or less, each containing 36 blocks of "HARCO-PLEASANTLY PERFUMED DEODORANT BLOCKS." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 499. I.D. No. 41598.)

The product "HARCO-PLEASANTLY PERFUMED DEODORANT BLOCKS" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act and the label affixed to the container of the product did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public.

On November 9, 1962, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 22 cases, more or less, each containing 36 blocks of "HARCO-PLEASANTLY PERFUMED DEODORANT BLOCKS," at Kansas City, Kans., alleging that the product was an economic poison which had been transported interstate, on or about August 10, 1962, by The Harvey Company, Inc., from Houston, Texas, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded within the meaning of the act in that its labeling did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public.

On March 26, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

426. Lack of registration, lack of required information on labels, and misbranding of "INSECT REPELLENT TISSUES." U.S. v. 103 packages, more or less, of "INSECT REPELLENT TISSUES." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 503. I.D. No. 42540.)

The product "INSECT REPELLENT TISSUES" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the

product showed that the labels affixed to the containers of the product did not bear a statement of net weight or measure of the content; a statement giving the name and address of the manufacturer, registrant, or person for whom manufactured; an ingredient statement; or a statement of the name, brand, or trademark under which the product was sold.

On November 15, 1962, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 103 packages, more or less, of "INSECT REPELLENT TISSUES" at Elizabeth, N.J., alleging that the product was an economic poison which had been transported interstate, on or about September 14, 1962, by the Allied Novelty Manufacturing Company, from Chicago, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labels did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients in the product.

It was further alleged that the product failed to comply with the provisions of the act in that the labels on the immediate containers did not bear a statement of the net weight or measure of the contents of the containers.

It was further alleged that the labels on the immediate containers did not bear the name and address of the manufacturer, registrant, or person for whom manufactured; or a statement of the name, brand, or trademark under which said product was sold.

On January 31, 1963, no claimant having appeared, a default decree of condemnation was entered and the United States Marshal was ordered to destroy the product.

427. Lack of registration and misbranding of "HOSPITAL VELVA-SHEEN."

U.S. v. 115 sixteen-ounce cans, more or less, of "HOSPITAL VELVA-SHEEN." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 502. I.D. No. 42702.)

The product "HOSPITAL VELVA-SHEEN" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act and the product was misbranded in that its labeling bore statements which were false or misleading.

On November 14, 1962, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 115 sixteen-ounce cans, more or less, of "HOSPITAL VELVA-SHEEN" at Omaha, Nebr., alleging that the product was an economic poison which had been transported interstate on or about April 23, 1961, by Majestic Wax Company, from Denver, Colo., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"Dust Mop Treatment
HOSPITAL
Velva-
Sheen
with residual anti-microbial

* * *

CLEANS • POLISHES • PROTECTS
SAFE for use in HOSPITALS •
SCHOOLS • INSTITUTIONS •
STORES • HOMES

* * *

Aids in control
of cross-infection

* * *

How to use HOSPITAL Velva-Sheen for control of cross-infection from floors and air-borne dust . . .

1. Sweep floors daily with mops treated with HOSPITAL Velva-Sheen in order to eliminate germ-laden dust particles and maintain floor beauty.
2. Use HOSPITAL Velva-Sheen sparingly! On freshly laundered or new mops, spray HOSPITAL Velva-Sheen on mop strings till mop is moist . . . never wet. Too much HOSPITAL Velva-Sheen leaves streaks. Mops can be retreated between launderings.

3. To unload mop, shake thoroughly. Note how all dust drops down . . . does not fly into the air. * * *

Let HOSPITAL Velva-Sheen join your fight against the killer, cross-infection. * * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would eliminate germ-laden dust particles and would control cross-infection in hospitals, schools, institutions, stores and homes; whereas, the product, when used as directed, would not eliminate germ-laden dust particles and would not control cross-infection in hospitals, schools, institutions, stores, or homes.

On May 2, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

428. Lack of registration and misbranding of "WIZARD THE MIRACLE CLEANER." U.S. v. 4,988 sixteen-ounce bottles, more or less, of "WIZARD THE MIRACLE CLEANER." Consent decree of condemnation and release under bond. (I.F. & R. No. 519. I.D. No. 43232.)

The product "WIZARD THE MIRACLE CLEANER" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the containers did not bear an ingredient statement and the product was misbranded in that its label bore claims which were false or misleading.

On February 25, 1963, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 4,988 sixteen-ounce bottles, more or less, of "WIZARD THE MIRACLE CLEANER" at Baltimore, Md., alleging the product was an economic poison which had been transported interstate on or about March 20 and May 16, 1962, by the Rex Chemical Company, Inc., from Nashville, Tenn., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labels did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

It was alleged that the product was further misbranded within the meaning of the act in that its labeling bore the statements:

"Western Auto
Wizard
THE MIRACLE CLEANER

CLEANS BEAUTIFIES
DISINFECTS AND
MOTH PROOFS

FABRIC
CLEANER
MAKES 3 GALLONS

* * *

CONTENTS
16 FL. OZ.

Wizard is NOT "just another cleaner," it's the DIFFERENT cleaner . . . Excellent for car interiors and upholstery . . . Cleans all enameled and porcelain surfaces . . . Recommended for suede shoes, leather goods, sweaters and other type garments . . . Also can be used as a cold water detergent for delicate materials and all hand washable fabrics.

Wizard is non-flammable.

1. ORIGINAL COLORS SPRING BACK TO LIFE when you mix this safe, gentle concentrate with water and brush the miracle cleaner into rug, carpet or upholstery.

2. PILE IS LEFT OPEN, LOFTY, FLUFFY—because Wizard doesn't sog or mat the nap.

3. NO OILY, GUMMY RESIDUE—or any other objectionable particles remain to cause rapid Resoiling.

4. SO CLEANING LASTS LONGER—and soil can be removed from spots and traffic lanes without re-cleaning entire rug.

DIRECTIONS FOR RUGS & UPHOLSTERY

1. Vacuum thoroughly.

2. Add 4—6 cups of Wizard to 1 qt. warm water.

3. Apply with soft bristled hand scrubbing brush or long handled brush. Shake excess liquid out of brush after dipping in solution. Use short, brisk back and forward strokes to work up rich foam on rug. Finish with several strokes to lay nap down. Clean small area at a time and overlap to ensure even cleaning.

4. No rinsing or wiping necessary. Wizard evaporates completely leaving fabrics soft and lustrous.

5. When dry, vacuum to raise nap.

* * *

and such statements were false or misleading since they implied or represented that the product when used as directed, would disinfect car interiors, upholstery, enamel and porcelain surfaces, suede shoes, leather goods, sweaters and "other type garments," and rugs; whereas, in truth and in fact, the product, when used as directed, would not disinfect car interiors, upholstery, enamel and porcelain surfaces, suede shoes, leather goods, sweaters and "other type garments," or rugs.

Western Auto Supply Company, Baltimore, Md., claimed ownership of the product and requested its release under bond for the purpose of removing the product from the jurisdiction of the Federal Insecticide, Fungicide, and Rodenticide Act. On April 24, 1963, a decree of condemnation was entered and it was ordered the condemned product be released to the claimant under bond.

429. Misbranding and adulteration of "KEN-KO NEW "DDVP" FLY BAIT." U.S. v. 596 fourteen-ounce containers, more or less, of "KEN-KO NEW "DDVP" FLY BAIT." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 516. I.D. No. 40679.)

The product "KEN-KO NEW "DDVP" FLY BAIT" was misbranded and adulterated in that it claimed less active ingredients, and more inert ingredients than was claimed on the label.

On February 1, 1963, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 596 fourteen-ounce containers, more or less, of "KEN-KO NEW "DDVP" FLY BAIT" at Lexington, Ky., alleging that the product was an economic poison which had been transported interstate on or about April 5, 1962, by Private Brands, Inc., from Kansas City, Kans., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its label bore the statement:

"* * *

ACTIVE INGREDIENTS:

0,0-Dimethyl 1-2-2

Dichlorovinyl Phosphate (DDVP)----- .5%

INERT INGREDIENTS----- 99.5%

TOTAL----- 100.0%

Formulated with .8% DDVP

* * *

and such statements were false or misleading since they implied or represented that the product contained 0.5% 2,2-dichlorovinyl dimethyl phosphate and 99.5% inert ingredients; whereas, the product contained less than 0.5% 2,2-dichlorovinyl dimethyl phosphate and more than 99.5% inert ingredients.

It was further alleged that the product was adulterated within the meaning of the act, in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On April 12, 1963, no claimant having appeared, a default decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

430. Misbranding and adulteration of "FLYCO BRAND DRY FLY BAIT."

U.S. v. 298 two-pound containers, more or less, of "FLYCO BRAND DRY FLY BAIT." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 521. I.D. No. 40678.)

The product "FLYCO BRAND DRY FLY BAIT" was misbranded and adulterated in that it contained less active ingredients, and more inert ingredients than was claimed on the label, and it also bore false or misleading statements.

On March 8, 1963, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 298 two-pound containers, more or less, of "FLYCO BRAND DRY FLY BAIT" at Lexington, Ky., alleging that the product was an economic poison which had been transported interstate, on or about May 19, 1961, by Fly-Cord, Inc., from Savannah, Ga., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"with
NEW instant acting
DDVP

flyco BRAND
DRY fly bait

* * *

SIMPLY

- Sprinkle in areas where flies congregate, or . . .
- Make highly effective bait stations . . .

KILLS RESISTANT FLIES!

* * *

RECOMMENDED FOR USE IN:

- | | |
|------------------|-------------|
| • Dairy barns | • Hog farms |
| • Poultry houses | • Stables |
| • Picnic areas | • Kennels |

Here's How to Use it

Flyco Brand dry fly bait is a new, highly improved bait formulation which can be used to kill both resistant and non resistant houseflies. Simply scatter lightly on floors, window sills and other areas where flies congregate. Use about 4 ounces per 1,000 square feet. Bait stations need not be elaborate. Simply use square of paper toweling, burlap, paper plates, newspaper, etc., and shake on a few ounces of fly bait. Bait stations should be placed at about 15-foot intervals in each heavily infested building. After flies have been brought into control, treatment should be repeated at weekly intervals, or when needed.

IMPORTANT!

Do not over-use! This product is very effective, and a lightly scattered area or a few small bait stations will usually be sufficient.

Mfg. by Fly-Cord, Inc. P.O. Box 2006, Savannah, Ga., original manufacturers of Fly-Cord, the impregnated cord method that gives you season-long control of houseflies with one application.

ACTIVE INGREDIENT:

Dimethyl Dichlorovinyl Phosphate-----	. 5%*
INERT INGREDIENTS-----	99. 5%

100. 0%

*Formulated with 0.8% DDVP, but declared lower to allow for possible loss during storage.

* * *

and such statements were false or misleading since they implied or represented that the product contained 0.5% 2,2-dichlorovinyl dimethyl phosphate and 99.5% inert ingredients and that the product, when used as directed, would be effective against flies; whereas, in truth and in fact the product contained less than 0.5% 2,2-dichlorovinyl dimethyl phosphate and more than 99.5% inert ingredients and the product, when used as directed, would not be effective against flies.

It was further alleged that the product was adulterated within the meaning of the act, in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On April 12, 1963, no claimant having appeared, a decree of condemnation was entered and the United States Marshal was ordered to destroy the product.

431. Misbranding and adulteration of "MYZON FACE FLY AND FLY BAIT SYRUP." U.S. v. 248 one-pound, five-ounce packages, more or less, of "MYZON FACE FLY AND FLY BAIT SYRUP." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 515. I.D. No. 40668.)

The product "MYZON FACE FLY AND FLY BAIT SYRUP" was misbranded and adulterated in that it contained less active ingredients, and more inert ingredients than was claimed on the label, and it also bore false or misleading statements.

On January 21, 1963, the United States Attorney for the Northern District of Ohio, Western Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 248 one-pound, five-ounce packages, more or less, of "MYZON FACE FLY AND FLY BAIT SYRUP" at Sandusky, Ohio, alleging that the product was an economic poison which had been transported interstate on or about April 18, 1962, by Myzon Laboratories, from Chicago, Ill., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements

"M Y Z O N
FACE FLY and
FLY BAIT SYRUP
NEW!

DUAL PURPOSE

ATTRACTS · KILLS · FAST

FOR CONTROL OF FACE FLIES AND HOUSE FLIES

ACTIVE INGREDIENT	BY WT.
0,0-Dimethyl 0-2	
2-Dichlorovinyl	
Phosphate (DDVP)-----	0. 5%
INERT INGREDIENTS-----	99. 5%
	100. 0%

* * *

DIRECTIONS FOR USE:

FACE FLIES ON DAIRY CATTLE, BEEF CATTLE AND HORSES: Apply 1/10th fluid ounce (approximately one teaspoon) on forehead of animal, using squeeze bottle to saturate the attached brush. Apply daily, or as needed.

HOUSE FLIES:

To use as Fly Bait Syrup, merely remove Applicator Brush and replace with the attached spout. Apply strips of MYZON Face Fly & Fly Bait Syrup on window sills, railings, rafters, bait stations, and places frequented by flies. Excellent for use in dairy and livestock barns, milk room, poultry buildings, loading docks, stock yards, etc. Repeat as needed.

* * *

and such statements were false or misleading since they implied or represented that the product contained 0.5% 2,2-dichlorovinyl dimethyl phosphate and that the product, when used as directed, would be effective against face flies and house flies; whereas, the product contained less than 0.5% 2,2-dichlorovinyl dimethyl phosphate, and, when used as directed, the product would not be effective against face flies and house flies.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On March 7, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

432. Misbranding and adulteration of "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER." U.S. v. 188 one-pound containers, more or less, and 103 five-pound containers, more or less, of "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER." Consent decree of condemnation and destruction. (I.F. & R. No. 497. I.D. No. 41533.)

The product "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER" was misbranded and adulterated in that it contained less active ingredient and more inert ingredients than were claimed on the label.

On January 15, 1963, the United States Attorney for the Northern District of Texas, Fort Worth Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 188 one-pound containers, more or less, and 103 five-pound containers, more or less, of "FARNAM DIE-FLY 3-WAY 'SUGAR BASE' FLY KILLER" at Fort Worth, Texas, alleging that the product was an economic poison which had been transported interstate on or about March 15 and May 28, 1962, by The Farnam Company, from Omaha, Nebr., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

* * *

ACTIVE INGREDIENT

0,0-dimethyl, 2,2-dichlorovinyl phosphate-----	0.5%
INERT INGREDIENTS-----	99.5%
TOTAL-----	100.0%

* * *

and such statements were false or misleading since they implied or represented that the product contained 0.5% 0,0-dimethyl, 2,2-dichlorovinyl phosphate and 99.5% inert ingredients; whereas, in fact, the product contained less than 0.5% 0,0-dimethyl, 2,2-dichlorovinyl phosphate and more than 99.5% of inert ingredients.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling, since its labeling bore the statements:

* * *

ACTIVE INGREDIENT

0,0-dimethyl, 2,2-dichlorovinyl phosphate-----	0.5%
INERT INGREDIENTS-----	99.5%
TOTAL-----	100.0%

* * *

and such statements represented that the product contained 0.5% 0,0-dimethyl, 2,2-dichlorovinyl phosphate; whereas, in fact, the product contained less than 0.5% 0,0-dimethyl, 2,2-dichlorovinyl phosphate.

The Welch Veterinary Supply Company, Fort Worth, Texas, claimed ownership of the product and consented to the entry of a decree of condemnation. On February 4, 1963, a consent decree of condemnation was entered and the United States Marshal was ordered to destroy said article.

433. Misbranding and adulteration of "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER." U.S. v. 200 one-pound containers, more or less, and 20 five-pound containers, more or less, of "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 522. I.D. No. 40676.)

The product "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER" was misbranded and adulterated in that it contained less active ingredients and more inert ingredients than was claimed on the label, and it also bore false or misleading statements.

On March 8, 1963, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 200 one-pound containers, more or less, and 20 five-pound containers, more or less, of "FARNAM DIE-FLY 3-WAY 'SUGAR-BASE' FLY KILLER" at Lexington, Ky., alleging that the product was an economic poison which had been transported interstate on or about February 26, 1962, by The Farnam Company, from Omaha, Nebr., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

* * *
FARNAM
DIE-FLY
** 3-WAY
"Sugar-Base"
FLY KILLER
* * *

ACTIVE INGREDIENT

0,0-dimethyl, 2,2-dichlorovinyl phosphate-----	0.5%
INERT INGREDIENTS-----	99.5%
TOTAL-----	100.0%

* * *

Directions for Use

Farnam DIE-FLY kills both resistant and non-resistant strains of House Flies. Continues to attract and kill flies for weeks after application when used as a dry bait or when dissolved in water and painted on as directed, if it is not removed.

RECOMMENDED for control of flies in Dairy Barns, Calf Pens, Loading Sheds, Stables, Poultry Houses, Dog Kennels and Animal Hospitals. Also to reduce fly population around Dairy Barns, Feed lots, Stock Yards or Stables . . . Loading Docks, Garbage Disposal areas or Outdoor Latrines . . . Open-Air Theatres, Drive-Ins, Creameries and Ice Cream Stands. In all cases, good sanitation is essential. Remove all refuse where flies breed as a first step in fly control.

AS A "BAIT" . . . Sprinkle Farnam Die-Fly lightly in strips on floors, window sills, walks and other horizontal surfaces in buildings where flies gather. Use at least 4 ounces per 1000 sq. ft. IMPORTANT!—By wetting surfaces before scattering Farnam DIE-FLY, moisture dissolves its sugar base. It then dries into a lacquer-like surface that continues to attract and kill flies for weeks after application if not removed. Repeat application as necessary.

AS A "PAINT" . . . Dissolve Farnam Die-Fly in water, and paint on surfaces where flies gather. Continues to attract and kill flies for weeks after application. Use only enough water to dissolve it and bring mixture to lacquer-like consistency. Repeat applications as necessary.

AS A "SPRAY" (For outdoor use) . . . Dilute 8 ounces of Farnam Die-Fly to each gallon of water and spray surfaces and places where flies feed and congregate, around sewage plants, garbage dumps, garbage

cans, manure piles, feed lots, poultry houses, barns and out-buildings. Do not spray in dairy barns or tightly enclosed spaces.

OTHER APPLICATIONS . . . (1) Where suitable surfaces are not available, treat sacks, boards, or strips of cardboard, placed where flies gather. First wet them. Then, apply Farnam DIE-FLY. (2) Apply liberally as a dry bait to manure piles, garbage dumps, and other fly breeding places.

* * *

and such statements were false or misleading since they implied or represented that the product contained 0.5% 2,2-dichlorovinyl dimethyl phosphate and 99.5% inert ingredients and that the product, when used as directed, would be effective against flies; whereas, in truth and in fact, the product contained less than 0.5% 2,2-dichlorovinyl dimethyl phosphate and more than 99.5% inert ingredients and the product, when used as directed, would not be effective against flies.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On April 12, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

434. Lack of registration and misbranding of "PET MATE FLEA & TICK BOMB" and "PET MATE INSECTICIDAL BIRD SPRAY." U.S. v. 44 six-ounce cans, more or less, and 108 sixteen-ounce cans, more or less, of "PET MATE FLEA & TICK BOMB" and 80 six-ounce cans, more or less, of "PET MATE INSECTICIDAL BIRD SPRAY." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 510. I.D. Nos. 42572, 42573.)

The products "PET MATE FLEA & TICK BOMB" and "PET MATE INSECTICIDAL BIRD SPRAY" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. The products were also misbranded in that the labels bore false or misleading statements.

On January 17, 1963, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 44 six-ounce cans, more or less, and 108 sixteen-ounce cans, more or less, of "PET MATE FLEA & TICK BOMB" and 80 six-ounce cans, more or less, of "PET MATE INSECTICIDAL BIRD SPRAY" at Brooklyn, N.Y., alleging that the products were economic poisons which had been transported interstate on or about June 14, 1962, by Aero Packaging, from Camden, N.J., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product "PET MATE FLEA & TICK BOMB" was misbranded within the meaning of the act in that its labeling bore the statement:

"net weight 6 ozs."

and such statement was false or misleading since it implied or represented that the net weight of the product was six ounces; whereas, in truth and in fact, the net weight of the product was less than six ounces.

It was further alleged that the product "PET MATE INSECTICIDAL BIRD SPRAY" was misbranded within the meaning of the act in that its labeling bore the statements:

"Pet Mate
Insecticidal
BIRD SPRAY

* * *

Disinfects Bird & Cage

* * *

On initial use, remove bird from cage and spray all parts of cage thoroughly. Thereafter, leave bird in cage and spray a mist directly on

bird. Hold 2 to 3 feet from bird when spraying. Use once or twice each week. Spray lightly—no more than 1 burst of 2 to 3 seconds.

* * *

net weight 6 ozs.

* * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would disinfect birds and bird cages, and that the net weight of the product was six ounces; whereas, in truth and in fact, the product, when used as directed, would not disinfect birds and bird cages, and the net weight of the product was less than six ounces.

On February 14, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the products.

435. Lack of registration, misbranding, and lack of required information on labels of "SHOO-FLY OUTDOOR TRAP" units. U.S. v. 57, more or less, "SHOO-FLY OUTDOOR TRAP" units. Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 537. I.D. No. 43621.)

The product "SHOO-FLY OUTDOOR TRAP" units was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act and the labels borne by the product did not bear a statement of net weight or measure of the contents, or in ingredient statement.

On June 7, 1963, the United States Attorney for the District of Maine, Southern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 57, more or less, "SHOO-FLY OUTDOOR TRAP" units, at Portland, Maine, alleging that the product was an economic poison which had been transported interstate, on or about December 19, 1962, by Lynwood Laboratories, Inc., from Norwood, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that the labels on its outside containers or wrappers did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

It was further alleged that the labels on its outside containers did not bear a statement of the net weight or measure of the contents of the containers.

On June 24, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

436. Lack of registration, misbranding and adulteration of "MODERN A.P.C. ALL PURPOSE CHEMICAL." U.S. v. 13 forty-pound drums, more or less, and 37 twenty-eight-ounce jars, more or less, of a product labeled in part "MODERN A.P.C. ALL PURPOSE CHEMICAL," 100 pamphlets, more or less, bearing the statement "NOW . . . FOR THE FIRST TIME ONE CHEMICAL FOR COMPLETE POOL CARE!*" and 200 circulars, more or less, bearing the statement "COMPLETE POOL CARE WITH ONE CHEMICAL*." Consent decree of condemnation and release of product to claimant for purpose of relabeling and the destruction of the accompanying pamphlets and circulars. (I.F. & R. No. 472. I.D. No. 41840.)

The product "MODERN A.P.C. ALL PURPOSE CHEMICAL," together with the accompanying material consisting of 100 pamphlets, more or less, bearing the statement "NOW . . . FOR THE FIRST TIME ONE CHEMICAL FOR COMPLETE POOL CARE!*" and 200 circulars, more or less, bearing the statement "COMPLETE POOL CARE WITH ONE CHEMICAL*," were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. The labels affixed to the containers of the product did not bear a proper ingredient statement and

the labeling bore false and misleading statements. Upon examination, the product was found to contain less than 70% available chlorine and would not destroy bacteria or all algae.

On August 7, 1962, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 13 forty-pound drums, more or less, and 37 twenty-eight-ounce jars, more or less, of a product labeled in part, "MODERN A.P.C. ALL PURPOSE CHEMICAL," 100 pamphlets, more or less, bearing the statement "NOW . . . FOR THE FIRST TIME ONE CHEMICAL FOR COMPLETE POOL CARE!*" and 200 circulars, more or less, bearing the statement "COMPLETE POOL CARE WITH ONE CHEMICAL*," at Flemington, N.J., alleging that the product was an economic poison which had been transported interstate, on or about May 18, 1962, by Modern Pool Products, Inc., from White Plains, N.Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that its label did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, and ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

It was further alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

(Label)

"THE COMPLETE WATER TREATMENT
FOR SWIMMING POOLS . . .

MODERN

A.P.C.

ALL PURPOSE CHEMICAL

• PREVENTS AND
DESTROYS
BACTERIA

• PREVENTS AND
DESTROYS FUNGUS
AND ALGAE

* * *

Chief ingredient: Calcium Hypochlorite (available Chlorine, 70%).

* * *

(Pamphlet)

"NOW . . .
FOR THE FIRST TIME
ONE CHEMICAL
FOR
COMPLETE
POOL
CARE!*"

* * *

modern

A.P.C. DOES A THREE-FOLD JOB:

1. Prevents and Kills Bacteria!
2. Prevents and Kills Algae!

* * *

(Circular)

"A.P.C.
ALL PURPOSE CEMICAL
COMPLETE
POOL CARE
with ONE
CHEMICAL*"

- Prevents and destroys Bacteria
- Prevents and Destroys Algae

* * *

and such statements were false or misleading since they implied or represented that the product contained 70% of available chlorine and that the product, when used as directed, would destroy all bacteria and algae; whereas, the product contained less than 70% of available chlorine and, when used as directed, would not destroy all bacteria or algae.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling, since its labeling bore the statements:

“* * *

Chief ingredient: Calcium Hypochlorite (available Chlorine, 70%).

* * *”

and such statement represented that the product contained 70% of available chlorine; whereas, the product contained less than 70% of available chlorine.

Modern Pool Products, Inc., White Plains, N.Y., claimed ownership of the product and requested its release under bond for the purpose of bringing the product into compliance with the act and the destruction of the accompanying pamphlets and circulars and consented to the entry of a condemnation decree. On March 6, 1963, a decree of condemnation was entered and it was ordered that the condemned product be released to the claimant under bond.

437. Lack of registration, lack of required information on labels, and misbranding of **“TOILET BRITE THE AUTOMATIC BOWL CLEANER.”** U.S. v. 274 packages, more or less, of **“TOILET BRITE THE AUTOMATIC BOWL CLEANER.”** Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 514. I.D. No. 42064.)

The product **“TOILET BRITE THE AUTOMATIC BOWL CLEANER”** was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination showed that the labels affixed to the containers of the product did not bear a statement giving the name and address of the manufacturer, registrant, or person for whom manufactured; a statement of the net weight or measure of the contents; or an adequate warning or caution statement. An examination of the labels affixed to the containers of the product also showed that they did not bear an ingredient statement on that part of the immediate container of the retail package which is presented or displayed under customary conditions of purchase and the labeling also bore false or misleading statements.

On January 14, 1963, the United States Attorney for the Northern District of Illinois, Eastern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 274 packages, more or less, of **“TOILET BRITE THE AUTOMATIC BOWL CLEANER,”** at Clarendon Hills, Ill., alleging that the product was an economic poison which had been transported interstate on or about November 5, 1962, by L & J Water Specialties, Inc., from New Berlin, Wis., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture, as required by section 4 of the act.

It was alleged that the product was further misbranded within the meaning of the act in that the labels on its outside containers or wrappers did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

It was further alleged that the product was misbranded within the meaning of the act in that the labels on its outside containers or wrappers and on its immediate containers did not bear a warning or caution statement which is necessary and, if complied with, adequate to prevent injury to living man or other vertebrate animals.

It was further alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"TOILET
BRITE

NO RAGS
NO MOPS

toilet bowls
cleaned by
flushing only

(Label on immediate
container)

- Cleans
- Disinfects
- Deodorizes

* * *

(Circular)

"CLEANS
DISINFECTS
DEODORIZES
WITH FLUSHING ACTION
OF THE TOILET ONLY
2,000 FLUSHINGS OR UP TO 1 YEAR

* * *

Here's How:

1. Take Top Cap off Inner Container. Fill unit with Water. Hang unit in overflow pipe as shown on right. Be sure the plastic tube is between the chemical cartridge and outside container.
2. Place shorter plastic tube into overflow pipe.
3. Bend the copper toilet tubing that outlets into overflow pipe enough to slide larger plastic tube over the end of pipe; allow to hang outside of overflow pipe.
4. Unit now ready to use. For best results, clean toilet prior to use.

* * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would disinfect toilet bowls by flushing action; whereas, the product, when used as directed, would not disinfect toilet bowls by flushing action.

It was further alleged that the labels on its outside containers or wrappers did not bear a statement of the name and address of the manufacturer, registrant, or person for whom manufactured.

It was further alleged that the labels on its immediate containers and on its outside containers or wrappers did not bear a statement of the net weight or measure of the contents of the containers.

On February 28, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

438. Misbranding of "FYTE HOSPITAL DISINFECTANT." U.S. v. 133 fifteen-ounce containers, more or less, of "FYTE HOSPITAL DISINFECTANT." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 448. I.D. No. 40594.)

The product "FYTE HOSPITAL DISINFECTANT" was misbranded within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, in that its labeling bore false and misleading statements.

On May 23, 1962, the United States Attorney for the Middle District of Tennessee, Nashville Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 133 fifteen-ounce containers, more or less, of "FYTE HOSPITAL DISINFECTANT" at Nashville, Tenn., alleging that the product was an economic poison which has been transported interstate on or about February 28, 1962, by the Hysan Products Company, from Chicago, Ill., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling stated in part:

"powerful • quick acting
fyte
hospital

DISINFECTANT
DEODORANT

TUBERCULOCIDAL
STAPHYLOCIDAL
FUNGICIDAL
BACTERICIDAL

* * *

This product will control the following organisms: Tubercle Bacilli, Salmonella typhosa, Shigella paradysenteriae, Salmonella schottmuelleri, Escherichia Coli, Staphylococcus aureus, Streptococcus pyogenes, Mycobacterium smegmatis, Trichophyton interdigitale, Penicillium glaucum.

This powerful Hospital Disinfectant and Deodorant acts on germ laden surfaces such as Metal Beds and Springs, Wheel Chairs, Linen Carts, Hampers, Refuse Cans, Dressing Carts, Clean-up Carts, Mattresses, Draperies, Furniture, Air Ducts, Toilet Seats, Telephones, Wash Basins, Urinals, Light Switches, Office Machinery, Laundry Chutes, Door Knobs, and other equipment, after the surface has been properly cleaned. Will reduce the hazard of cross infection by bacteria and viruses.

* * *

Excellent for use on bowling shoes,—disinfect, controls athlete's feet, prevents mildew,—dries instantly, leaving no oily film.

DIRECTIONS

For Disinfecting—

Hold dispenser upright about 6" to 8" from surface to be disinfected and spray 3 seconds until surface is wet.

* * *

and such statements were false and misleading since they implied or represented that the product, when used as directed (1) would disinfect the articles and surfaces listed in the above-quoted statement and those articles and surfaces implied by the term "other equipment," and (2) would control the disease organisms listed above; whereas, the product, when used as directed (1) would not disinfect the articles and surfaces listed in the above-quoted statement or those implied by the term "other equipment," and (2) would not control the disease organisms listed above.

On July 18, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

439. Lack of registration and misbranding of "R_x SAFE AIR." U.S. v. 42 eight-ounce containers, more or less, of "R_x SAFE AIR." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 512. I.D. No. 43124.)

The product "R_x SAFE AIR" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act and its labeling bore false or misleading statements.

On January 14, 1963, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 42 eight-ounce containers, more or less, of "R_x SAFE AIR" at Nashua, N.H., alleging that the product was an economic poison which had been transported interstate, on or about October 2, 1962, by Lynwood Laboratories, Inc., from Norwood, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"Rx
Safe
air
the fragrant
room refresher
that sanitizes

* * *

where to use Rx
Safe-air

* * *

as a disinfectant . . .
SAFE-AIR contains Glycols and Hyamine
16-22 that temporarily reduce hazard of
infection by air-borne bacteria and viruses
when sprayed in the air, and on surfaces.
To disinfect: After cleaning spray surfaces
thoroughly until wet.

* * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would act as a sanitizer and disinfect surfaces; whereas, the product, when used as directed, would not act as a sanitizer or disinfect surfaces.

On March 5, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

440. Lack of registration of "CRABGRASS WALK'N WEED." U.S. v. 90 fourteen-ounce containers, more or less, of a product labeled in part "CRABGRASS WALK'N WEED." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 511. I.D. No. 43129.)

The product "CRABGRASS WALK'N WEED" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On January 14, 1963, the United States Attorney for the District of Maine, Southern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 90 fourteen-ounce containers, more or less, of "CRABGRASS WALK'N WEED" at Portland, Maine, alleging that the product was an economic poison which had been transported interstate on or about May 25, 1962, by Lynwood Laboratories, Inc., from Norwood, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On January 29, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

441. Lack of registration and misbranding of "TRIPLE STRENGTH DESOLVO." U.S. v. 430 twelve-ounce cans, more or less, of a product labeled in part, "TRIPLE STRENGTH DESOLVO." Consent decree of condemnation and release under bond for purpose of removing product from under jurisdiction of the act. (I.F. & R. No. 494. I.D. No. 40661.)

The product "TRIPLE STRENGTH DESOLVO" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the containers did not bear an ingredient statement.

On October 30, 1962, the United States Attorney for the Southern District of Ohio, Western Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 430 twelve-ounce cans, more or less, or "TRIPLE STRENGTH DESOLVO," at Cincinnati, Ohio, alleging that the product was an economic poison which had been transported interstate on or about March 2, 1962, by The Desolvo Company, from Pittsburgh, Pa., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

The Desolvo Company, Pittsburgh, Pa., claimed ownership of the product, requested its release under bond, and consented to the entry of a condemnation decree. A consent decree of condemnation was entered February 2, 1963, whereby the claimant salvaged the containers while destroying the contents thereof.

442. Lack of registration and misbranding of "SANI-PAN PLASTICIZED PANTS," and accompanying material consisting of display cards entitled "FOR PERSONAL HYGENIC PROBLEMS SANI-PAN PLASTICIZED RAYON PANTS." U.S. v. 552 boxes, more or less, each containing one pair of a product labeled in part, "SANI-PAN PLASTICIZED PANTS" and 50 display cards, more or less, bearing the statement "FOR PERSONAL HYGENIC PROBLEMS SANI-PAN PLASTICIZED RAYON PANTS." Consent decree of condemnation and release under bond for purpose of removing product from under jurisdiction of act. (I.F. & R. No. 478. I.D. No. 41886.)

The product "SANI-PAN PLASTICIZED PANTS" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the containers did not bear an ingredient statement.

On August 30, 1962, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 552 boxes, more or less, each containing one pair of a product labeled in part "SANI-PAN PLASTICIZED PANTS" and 50 display cards, more or less, bearing the statement "FOR PERSONAL HYGENIC PROBLEMS SANI-PAN PLASTICIZED RAYON PANTS," at New York, N.Y., alleging that the product was an economic poison which had been transported interstate by Murray Salk, Inc., from Allston, Mass., on or about July 13, 1962, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

Murray Salk, Inc., Allston, Mass., claimed ownership of the product, and the product was removed from the requirements of the act by destroying the boxes containing the garments as well as the placards, under the supervision of a representative of the United States Department of Agriculture.

443. Misbranding of "RHODIA CL-1301." U.S. v. 175 one-gallon containers, more or less, of a product labeled in part, "RHODIA CL-1301," and 100 brochures, more or less, bearing the statement "CL-1301 . . . A NEW CLEANER, SANITIZER AND DEODORIZER WITH HEXACHLOROPHENE IN A WATER SOLUTION." Consent decree of condemnation and release under bond for purpose of removing product from under jurisdiction of act. (I.F. & R. No. 441. I.D. No. 39702.)

An examination of the product "RHODIA CL-1301" showed that its labeling bore statements which were false and misleading.

On April 9, 1962, the United States Attorney for the Northern District of Illinois, Eastern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 175 one-gallon containers, more or less, of a product labeled in part, "RHODIA CL-1301," and 100 brochures, more or less, bearing the statement "CL-1301 . . . A NEW CLEANER, SANITIZER AND DEODORIZER

WITH HEXACHLOROPHENE IN A WATER SOLUTION," at Chicago, Ill., alleging that the product was an economic poison which had been transported interstate, on or about January 8, 1962, by Rhodia, Inc., from New Brunswick, N.J., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

(Label) "Rhodia CL-1301
CLEANER • GERMICIDE • DEODORIZER
High Concentrate

* * *

DIRECTIONS FOR USE

FLOORS

WASHROOMS

WALLS

TILE

FURNITURE

METALS

WINDOWS

MIRRORS

PORCELAIN

CERAMICS

1 OZ.
PER GAL.
WATER

Increase Concentration on Badly Soiled Surfaces Where rapid bactericidal action is desired use 2 oz. per gallon.

* * *

DESCRIPTION

Rhodia's sparkling clear CL-1301 Cleaner-Sanitizer is a multi-action cleaner which combines three vital functions in a single application.

Efficient cleaning. Micro-biological control. Deodorization.

CL-1301 contains Hexachlorophene, a miracle bactericidal ingredient which will degerm any surface more completely and effectively than the strongest alcohols.

* * *

(Brochure)

"CL-1301

. . . A New Cleaner, Sanitizer and Deodorizer With Hexachlorophene In A Water Solution . . . Performs *All Three Functions* With A Single Product . . . Without Rinsing

* * *

HEXACHLOROPHENE IN AQUEOUS SOLUTION

Now, for the first time Rhodia brings you a completely new chemical compound which combines outstanding properties as a cleaner, germicide and deodorizer in one product.

Developed, tested and perfected over a period of years by a team of bacteriologists, Rhodia CL-1301 is an aqueous solution of hexachlorophene (patent pending).

Long noted for its effectiveness as a germ killer and deodorizer the use of hexachlorophene for many sanitation purposes has been deterred by the necessity of combining it with hydrocarbon solvents which impart objectionable odors and are harsh on hands and many surfaces.

Through a completely new process, CL-1301 unites hexachlorophene with amphoteric surfactants and powerful cleaning agents in a stable liquid possessing remarkable cleaning, germicidal and deodorizing properties—all in one product.

CL-1301 is the only cleaner, germicide, deodorizer based on an aqueous hexachlorophene solution approved by the United States Department of Agriculture for use in federally inspected meat packing plants and dairies to clean equipment used for processing edible products.

It can be used on any surface, including all types of floors, woodwork, painted walls, tile, metals, glass ceramics, formica, leather, plastics, synthetic rubbers, etc.

* * *

CL-1301 AS A GERMICIDE

CL-1301 contains hexachlorophene, the miracle bactericidal ingredient. When used on any surface it will degerm that surface more completely and effectively than the strongest alcohols.

When this highly bacteriostatic residual agent is used on floors, walls and other surfaces it helps reduce the bacterial count of the surrounding atmosphere, as well as of the surface itself.

CL-1301 is a non-selective germicide which is effective in counteracting a wide range of microbiological germs. Actual use in hospitals has shown that CL-1301 is particularly effective against *Staphylococcus Aureus* 80/81 which accounts for 69% of all Staph-type infections and epidemics in hospitals. Laboratory tests and U.S. Testing Company reports show that CL-1301 completely destroys Staph 80/81. Also, actual hospital data proves that *Staph Aureus* can be eliminated completely through the use of this product.

* * *

CL-1301 is also a residual germicide. Tests made in these same restaurants show that the chemical sterilizing action of CL-1301 persists for as much as twelve hours after application.

* * *

CL-1301 also has proven highly effective as a germicide in the food processing field. It prevents or eliminates bacterial contaminations such as *Salmonella*, *staphylococci*, *streptococci*, *coliforms*, *thermophilics*, *thermodurics*, etc.

* * *

U.S. Department of Agriculture tests show that CL-1301 kills all bacteria within two minutes of contact with any surface.

* * *

and such statements were false or misleading since they implied or represented (1) that the product is recommended or endorsed by the United States Department of Agriculture, (2) that tests by the United States Department of Agriculture show that the product kills all bacteria within two minutes of contact with any surface, (3) that the product, when used as directed, (a) would act as a germicide on floors, woodwork, painted walls, tile, metals, grass, ceramics, formica, leather, plastics, synthetic rubber, and all other articles or surfaces implied by the term "etc.," (b) would be effective against the germ or bacteria "*Staphylococcus Aureus*," (c) would prevent or eliminate the germs or bacterial combinations *salmonella*, *Staphylococci*, *streptococci*, *coliforms*, *thermophilics*, and *thermodurics*, and all other germs or bacterial combinations implied by the term "etc.," (d) would act as a residual germicide, (e) would degerm surfaces, and (f) would provide a chemical sterilizing action that persists as much as twelve hours after application; whereas, (1) the product is not recommended or endorsed by the United States Department of Agriculture, (2) tests by the United States Department of Agriculture do not show that the product kills all bacteria within two minutes of contact with any surface, and (3) the product, when used as directed, (a) would not act as a germicide on floors, woodwork, painted walls, tile, metals, glass, ceramics, formica, leather, plastics, synthetic rubber, or all other articles or surfaces implied by the term "etc.," (b) would not be effective against the germ or bacteria "*Staphylococcus Aureus*," (c) would not prevent or eliminate the germs or bacterial combinations *salmonella*, *staphylococci*, *streptococci*, *coliforms*, *thermophilics*, and *thermodurics*, or all other germs or bacterial combinations implied by the term "etc.," (d) would not act as a residual germicide, (e) would not degerm surfaces, and (f) would not provide a chemical sterilizing action that persists as much as twelve hours after application.

Rhodia, Inc., New Brunswick, N.J., claimed ownership of the product, and the product was released to claimant for purpose of removing it from under the jurisdiction of the act.

444. Lack of required information on the label and misbranding of "PM."

U.S. v. four 30-gallon drums, more or less, and three 55-gallon drums, more or less, of a product labeled "PM." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 508. I.D. No. 43149.)

An examination of the product "PM" showed that the labels affixed to the containers of the product did not bear a statement giving the name and address

of the manufacturer, registrant, or person for whom it was manufactured; nor did they contain directions for use which are necessary and, if complied with, adequate for the protection of the public. The labels also failed to bear a statement of net weight or measure of the contents of the containers or an ingredient statement.

On January 16, 1963, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of four 30-gallon drums, more or less, and three 55-gallon drums, more or less, of a product labeled "PM," at New Haven, Conn., alleging that the product was an economic poison which had been transported interstate, on or about September 19, October 16, and November 8, 1962, by Buckingham Wax Company, Inc., from Long Island City, N.Y., in violation of the act.

It was alleged that the product failed to comply with the provisions of the act in that the labels affixed to the containers of the product did not bear a statement giving the name and address of the manufacturer, registrant, or person for whom manufactured.

It was further alleged that the product was misbranded within the meaning of the act in that the labels did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public.

It was further alleged that the product failed to comply with the provisions of the act in that the labels affixed to the containers of the product did not bear a statement of the net weight or measure of the contents of the containers.

It was further alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

On July 29, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

445. Misbranding and adulteration of "CO-RAL* 25% WETTABLE POWDER ANIMAL INSECTICIDE." U.S. v. 102 four-pound boxes, more or less, of a product labeled in part, "CO-RAL* 25% WETTABLE POWDER ANIMAL INSECTICIDE." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 576. I.D. Nos. 44114, 44985.)

An examination of the product "CO-RAL* 25% WETTABLE POWDER ANIMAL INSECTICIDE," showed that it contained another active ingredient, name, dichloro diphenyl trichloroethane, which was not named in the ingredient statement. The product was also misbranded in that the labels did not bear adequate warning or caution statements.

On October 30, 1963, the United States Attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 102 four-pound boxes, more or less, of a product labeled in part, "CO-RAL* 25% WETTABLE POWDER ANIMAL INSECTICIDE," at Clovis, New Mexico, alleging that the product was an economic poison which had been transported interstate on or about May 7, 1963, by Chemago Corporation from Lubbock, Texas, in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statement:

"Co-Ral*
25% WETTABLE POWDER
ANIMAL INSECTICIDE

* * *

ACTIVE INGREDIENT:

0,0-Diethyl 0-3-chloro-4-methyl-2-oxo-2H-1 benzopyran-7-yl phosphorothioate*	25%
INERT INGREDIENTS -----	75%

100%

* * *

and such statement was false or misleading since it implied or represented that the only active ingredient in the product was that ingredient listed in said statement; whereas, in truth and in fact, the product contained an additional active ingredient, namely dichloro diphenyl trichlorethane.

It was further alleged that the product was adulterated within the meaning of the act in that another substance, namely dichloro diphenyl trichloroethane, had been substituted in part for the article.

It was further alleged that the product was misbranded within the meaning of the act in that the labels did not bear a warning or caution statement which is necessary and, if complied with, adequate to prevent injury to living man or other vertebrate animals.

On December 2, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

446. Misbranding and adulteration of "FLY MORT WITH DDVP." U.S. v. 118 one-pound containers, more or less, of a product labeled in part, "FLY MORT WITH DDVP." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 539. I.D. No. 43432.)

The product "FLY MORT WITH DDVP" was misbranded in that its labeling bore statements which were false or misleading. The product was represented to contain 0.50% dimethyl 2,2-dichlorovinyl phosphate and 99.50% inert ingredients. However, upon examination, the product was found to contain less than 0.50% dimethyl 2,2-dichlorovinyl phosphate and more than 99.50% inert ingredients.

On June 11, 1963, the United States Attorney for the Northern District of Indiana, Fort Wayne Division, acting upon a report by the Secretary of Agriculture filed in the United States District Court a libel praying seizure for condemnation and confiscation of 118 one-pound containers, more or less, of a product labeled in part, "FLY MORT WITH DDVP," at Decatur, Ind., alleging that the product was an economic poison which had been transported interstate on or about September 21, 1961, by The Corn King Company, from Cedar Rapids, Iowa, in violation of the act.

It was alleged that the product "FLY MORT WITH DDVP" was misbranded within the meaning of the act in that its labeling bore the statements:

"ACTIVE INGREDIENT: 0,0-Dimethyl 1-2-2 Dichlorovinyl	
Phosphate -----	0.50%
INERT INGREDIENTS -----	99.50%"

and such statements were false or misleading since they implied or represented that the product contained 0.50 percent of dimethyl 2,2-dichlorovinyl phosphate and 99.50 percent inert ingredients; whereas, in truth and in fact, the product contained less than 0.50 percent of dimethyl 2,2-dichlorovinyl phosphate and more than 99.50 percent inert ingredients.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On July 31, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

447. Misbranding and adulteration of "FLY MORT WITH DDVP." U.S. v. 164 one-pound containers, more or less, of a product labeled in part, "FLY MORT WITH DDVP." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 534. I.D. No. 42267.)

The product "FLY MORT WITH DDVP" was misbranded in that its labeling bore statements which were false or misleading and the product was represented to contain 0.50% of 2,2-dichlorovinyl dimethyl phosphate and 99.50% inert ingredients. However, upon examination, the product was found to contain less than 0.50% of 2,2-dichlorovinyl dimethyl phosphate, more than 99.50% inert ingredients and it would not be effective for the control of flies.

On June 13, 1963, the United States Attorney for the Southern District of California, Central Division, acting upon a report by the Secretary of Agri-

culture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 164 one-pound containers, more or less, of a product labeled in part, "FLY MORT WITH DDVP," at Blythe, Calif., alleging that the product was an economic poison which had been transported interstate on or about May 7, 1962, by the Corn King Company, Inc., from Cedar Rapids, Iowa, in violation of the act.

It was alleged that the product "FLY MORT WITH DDVP" was misbranded within the meaning of the act in that its labeling bore the statements:

(Center
Panel)

**"FLY
MORT
WITH DDVP**

A FLY Bait for Use Either as it Comes from the Can or Mixed with Water and Used as a Syrup. Effective Against Flies Resistant to DDT or other Chlorinated Hydrocarbons.

ACTIVE INGREDIENT: 0,0-Dimethyl 1-2-2

Dichlorovinyl Phosphate----- 0.50%

INERT INGREDIENTS----- 99.50%

Contents 1 Pound

* * *

(Right
Panel)

DIRECTIONS

Use as a dry sprinkle fly bait as it comes from can, or dissolve 1 lb. in $\frac{1}{2}$ gallon of water and use as a syrup. The syrup may be used in a sprinkler can or pieces of burlap may be saturated and hung up in areas frequented by flies. Make up only that amount of syrup needed for immediate use. Use wherever flies congregate, in all livestock buildings including dairy barns and milk rooms, poultry houses, around garbage cans, dumps, and outside areas of human dwellings, restaurants, drive-ins, ice cream stands, dog kennels, etc. Sprinkle lightly either wet or dry on exposed surfaces such as floors, walkways, alleyways, etc. Use about $\frac{1}{4}$ lb. per 1000 square feet of floor area.

DIRECTIONS (Continued)

(Left
Panel)

Valuable in cage layer operations by sprinkling in the alleys and under cages.

The number of applications per week is entirely dependent upon the fly population. It is important to always have the bait present in areas frequented by flies for constant control. Avoid sprinkling in litter and other places where it may sift away out of reach of flies.

* * *

and such statements were false or misleading since they implied or represented that the product contained 0.50% of 2,2-dichlorovinyl dimethyl phosphate and that the product, when used as directed, would be effective for the control of flies; whereas, the product contained less than 0.50% of 2,2-dichlorovinyl dimethyl phosphate and the product, when used as directed, would not be effective for the control of flies.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On July 11, 1963, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

448. Lack of registration of "GULFCLOR 74E." U.S. v. five 55 gallon drums, more or less, of a product labeled in part, "GULFCLOR 74E." Consent decree of condemnation and release under bond for purpose of relabeling. (I.F. & R. No. 487. I.D. No. 42513.)

The product "GULFCLOR 74E" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 15, 1962, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of five 55 gallon drums, more or less, of a product labeled in part, "GULFCLOR 74E" at Brooklyn, N.Y., alleging that the product was an economic poison which had been transported interstate, on or about July 12, 1962, by Gulfstream Chemical Company, Inc., from Miami, Fla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Gulfstream Chemical Company, Inc., Miami, Fla., claimed ownership of the product, requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On or about December 27, 1962, a decree of condemnation was entered and it was ordered that the product be released to the claimant under such bond for the purpose of relabeling and bringing it into compliance with the act.

449. Misbranding and adulteration of "DOW DOWPON." U.S. v. 26 fifty-pound containers, more or less, of "DOW DOWPON." Default decree of condemnation, forfeiture, and release of product to Economic Poisons Control Office, New Mexico State Department of Agriculture. (I.F. & R. No. 488. I.D. No. 42302.)

The product "DOW DOWPON" was represented to contain 85% of the sodium salt of dichloropropionic acid, equivalent to 74% of dalapon (2,2-dichloropropionic acid) and 15% of inert ingredients. Upon examination, the product was found to contain less than 85% of the sodium salt of 2,2-dichloropropionic acid, less than the equivalent of 74% of dalapon (2,2-dichloropropionic acid), and more than 15% of inert ingredients.

On October 9, 1962, the United States Attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 26 fifty-pound containers, more or less, of "DOW DOWPON" at Tucumcari, N. Mex., alleging that the product was an economic poison which had been transported interstate on or about May 4, May 15, and July 30, 1962, by Plainsman Supply Company from Plainview, Tex., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that the label stated in part:

"Active Ingredient:

2,2-Dichloropropionic Acid, Sodium Salt..... 85%

Dalapon (2,2-Dichloropropionic Acid) Equivalent 74%

Inert Ingredients:..... 15%"

and such statements were false or misleading since they implied or represented that the product contained 85% of the sodium salt of 2,2-dichloropropionic acid, the equivalent of 74% of dalapon (2,2-dichloropropionic acid), and 15 percent inert ingredient; whereas, the product contained less than 85 percent of the sodium salt of 2,2-dichloropropionic acid, less than the equivalent of 74 percent of dalapon (2,2-dichloropropionic acid), and more than 15 percent inert ingredients.

It was alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since its labeling bore the statement:

"Active Ingredient:

2,2-Dichloropropionic Acid, Sodium Salt..... 85%

Dalapon (2,2-Dichloropropionic Acid) Equivalent 74%"

and such statement represented that the product contained 85% of the sodium salt of 2,2-dichloropropionic acid and the equivalent of 74 percent of dalapon (2,2-dichloropropionic acid); whereas, the product contained less than 85 percent

of the sodium salt of 2,2-dichloropropionic acid, and less than the equivalent of 74 percent of dalapon (2,2-dichloropropionic acid).

On November 14, 1962, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to turn said articles over to the Economic Poisons Control Office, New Mexico State Department of Agriculture.

450. Misbranding of "STRIKE-BAC." U.S. v. 95 one-gallon jugs, more or less, of a product labeled in part, "STRIKE-BAC" and accompanying labeling consisting of 100 leaflets, more or less, entitled "NEVER BEFORE * * * NEW STRIKE-BAC." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 505. I.D. No. 42232.)

An examination of the product "STRIKE-BAC" showed that the label affixed to the containers did not bear an ingredient statement.

On December 18, 1962, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 95 one-gallon jugs, more or less, of a product labeled in part, "STRIKE-BAC," and accompanying labeling consisting of 100 leaflets, more or less, entitled "NEVER BEFORE * * * NEW STRIKE-BAC," at Portland, Oregon, alleging that the product was an economic poison which had been transported interstate, on or about April 17, and July 20, 1962, by the Chemical Research & Mfg. Co., from Oakland, Calif., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labels did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

On June 21, 1963, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

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